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DATE FILED: **MAR 15 2006**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMPRESA GENERADORA DE ELECTRICIDAD :  
ITABO, S.A. ("ITABO"), :

Plaintiff, :

- against - :

CORPORACIÓN DOMINICANA DE EMPRESAS :  
ELÉCTRICAS ESTATALES ("CDEEE"), :

Defendant. :  
----- X

05 Civ. 5004 (PAC)

ECF CASE

**STIPULATED ORDER**

WHEREAS, Plaintiff Empresa Generadora de Electricidad ITABO, S.A. ("ITABO") filed the above-captioned action against Defendant Corporación Dominicana de Empresas Eléctricas Estatales ("CDEEE") under docket number 05 Civ. 5004 (RMB) on May 26, 2005; and

WHEREAS the action was originally assigned to the Honorable Richard Berman, U.S.D.J.; and

WHEREAS Judge Berman issued a decision on July 18, 2005 denying an application made by ITABO to compel arbitration and enjoin CDEEE from continuing with proceedings that it had brought in the Dominican Republic against ITABO (the "Dominican Republic Actions"); and

WHEREAS Judge Berman issued a decision on August 4, 2005 denying ITABO's motion for reconsideration of the July 18, 2005 decision; and

WHEREAS the action was reassigned to the Honorable Paul A. Crotty, U.S.D.J. on August 5, 2005; and

WHEREAS ITABO filed a Notice of Interlocutory Appeal on September 6, 2005, in which it appealed the July 18, 2005 and August 4, 2005 decisions; and

WHEREAS the action was placed on this Court's suspense docket on September 8, 2006, in light of the pending appeal; and

WHEREAS the appeal was withdrawn with prejudice by stipulation of the parties in January of 2006; and

WHEREAS this Court has not entered a judgment as to ITABO's second claim in this action; and

WHEREAS an International Chamber of Commerce ("ICC") arbitration is now pending between the parties in New York; and

WHEREAS decisions have been entered in the proceedings in the Dominican Republic Actions that the disputes between the parties should be arbitrated, but CDEEE has appealed those decisions;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED

1. That the action shall remain on the suspense docket until the ICC Arbitration is concluded and all appeals have been exhausted in the Dominican Republic Actions; and

2. That either party may request that the action be restored to the Court's active docket by means of a letter to the Court that is simultaneously served on opposing counsel, with opposing counsel having ten days to respond and an opportunity to be heard before the case is restored; and

3. That either party may request that the action be restored to the Court's active docket immediately on an emergency basis, by sending a letter to the court that is simultaneously served by hand fax and e-mail on opposing counsel in which it sets forth the basis for a good faith claim that emergency relief is needed, with opposing counsel having one day to respond and an opportunity to be heard before the case is restored; and

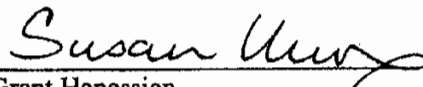
4. That if the action has not been restored to the Court's active docket, then when the arbitration is concluded and all appeals have been exhausted in the Dominican Republic Actions, counsel for both parties shall so notify the Court so that the case may be closed.

Dated: February 24, 2006

BAKER & MCKENZIE LLP

ADORNO & YOSS, LLP

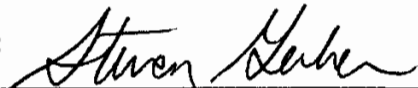
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S.A. ("ITABO")

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Attorneys for Defendant Corporacion  
Dominicana de Empresas Electricas  
Estatales ("CDEEE")

SO ORDERED

  
U.S.D.J.

February     , 2006

*March 15, 2006*